

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

WILLIAM MOODY,

Plaintiff,

v.

PAROLE COMMISSIONER,

Defendants.

CIVIL ACTION NO.
5:18-cv-00362-TES-CHW

ORDER OF DISMISSAL

Petitioner William Moody, a prisoner Smith State Prison in Glennville, Georgia, filed a petition for a writ of mandamus. [Doc. 1]. He did not, however, pay the \$400.00 filing fee or move to proceed without the prepayment of fees. As a result, the United States Magistrate Judge ordered Petitioner to pay the filing fee or seek leave to proceed *in forma pauperis* if he wanted to proceed with this action. [Doc. 3]. The Magistrate Judge gave Petitioner twenty-one days to comply and cautioned Petitioner that his failure to do so could result in the Court dismissing the petition. [*Id.* at p. 3].

Thereafter, Petitioner failed to comply with the order to either pay the filing fee or move for leave to proceed *in forma pauperis*. Accordingly, the Magistrate Judge ordered Petitioner to respond and show cause why the petition should not be dismissed for failure to comply with the previous order. *See* [Doc. 4]. The Magistrate Judge gave Petitioner an

additional twenty-one days to respond to the order to show cause and cautioned Petitioner that his failure to comply would result in the Court dismissing this action. *Id.*

To date, Petitioner has failed to respond to the order to show cause. Thus, because Petitioner has failed to comply with the previous orders or to otherwise prosecute his case, the Court now **DISMISSES** Plaintiff's action **without prejudice**. See Fed. R. Civ. P. 41(b); *Brown v. Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) (per curiam) ("The court may dismiss an action *sua sponte* under Rule 41(b) for failure to prosecute or failure to obey a court order.") (citing Fed. R. Civ. P. 41(b) and *Lopez v. Aransas Cty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978)).

SO ORDERED, this 14th day of March, 2019.

S/ Tilman E. Self, III
TILMAN E. SELF, III, JUDGE
UNITED STATES DISTRICT COURT